

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**HEDGES**, *for herself and on behalf of all other  
persons similarly situated*,

**Plaintiff,**

**-against-**

**DAVID BURKE 59 CORP.,**

**Defendant.**

USDC SDNY  
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DATE FILED: 8/8/2020

**20-cv-01752 (ALC)**

**ORDER TO SHOW CAUSE**

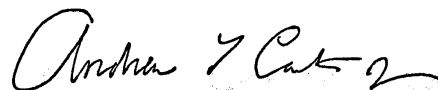
**ANDREW L. CARTER, JR., United States District Judge:**

On February 27, 2020, Plaintiff filed a Complaint commencing this action. ECF No. 1. Defendant was served on March 6, 2020. ECF No. 5. Defendant's answer was due March 27, 2020. ECF No. 5. To date, no answer has been filed.

Accordingly, Plaintiff is hereby ORDERED TO SHOW CAUSE why this action should not be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute for failure to move for default judgment. *See LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) ("[I]t is unquestioned that Rule 41(b) also gives the district court authority to dismiss a plaintiff's case *sua sponte* for failure to prosecute . . ."). Such showing should be made by filing a written response to this Order by August 24, 2020 and sending a courtesy copy of such response to Chambers. **Any failure by Plaintiff to make this showing will result in a dismissal of this case without prejudice for failure to prosecute pursuant to Fed. R. Civ. P. 41(b).**

**SO ORDERED.**

**Dated:** August 10, 2020  
New York, New York



**ANDREW L. CARTER, JR.**  
**United States District Judge**